

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Servants – A.P. Medical & Health Services – Dr. N. Bhaskara Rao, Civil Surgeon Specialist, Maharani Govt. Hospital, Vizianagaram – Placed under suspension from 08.08.1996 to 08.05.2000 – Regularization of period as Leave for which he is entitled – Orders – Issued.

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HEALTH, MEDICAL & FAMILY WELFARE (VC-1) DEPARTMENT

G.O. Rt. No. 1086

Dated:17-08-2010

Read the following:-

- 1) G.O. Rt. No. 1283, Health Medical & Family Welfare (B1) Department, dated 26.07.1996.
- 2) G.O. Rt. No. 1388, Health Medical & Family Welfare (B1) Department, dated 17.08.1999.
- 3) G.O. Rt. No. 512, Health Medical & Family Welfare (B1) Department, dated 20.04.2000.
- 4) G.O. Rt. No. 770, Health Medical & Family Welfare (VC.I) Department, dated 19.9.2003.
- 5) Orders of Hon'ble A.P. Administrative Tribunal, dated 21.08.2009 in O.A. No. 2028 of 2004.
- 6) G.O. Rt. No. 1424, Health Medical & Family Welfare (VC.I) Department, dated 05.11.2009.
- 7) Govt. Memo. No. 23600/VC.I(2)/96, Health Medical & Family Welfare (VC.I) Department, dated 05.11.2009.
- 8) From Dr. N. Bhaskara Rao, Civil Surgeon (Retired), representation, dated 24.04.2010.

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ORDER:

In the G.O. first read above, Dr. N. Bhaskara Rao, Civil Surgeon Specialist, Maharani Government Hospital, Vizianagaram was placed under suspension from service, pending initiation of disciplinary proceedings, as he was trapped by the ACB officials on 26.07.1996 when he demanded and accepted bribe from the complainant. The suspension came into force w.e.f. 08.08.1996. He was paid subsistence allowance under F.R. 53, during the period of suspension. In the G.O. third read above, the Accused Officer was reinstated into service, without prejudice to the criminal proceedings pending against him. On reinstatement into service, he joined duty on 09.05.2000. In the judgment dated 30.07.2002 in C.C. No. 10/98, the Trial Court has acquitted the Accused Officer from the charge. Therefore, further action was dropped against him. In the G.O. fourth read above, Government issued orders treating the period of suspension of Dr. N. Bhaskara Rao, Civil Surgeon Specialist, as Extra Ordinary Leave. Aggrieved by the said orders, Dr. N. Bhaskara Rao has filed O.A. No. 2028 of 2004 in the A.P. Administrative Tribunal. In its order dated 21.08.2009 in O.A. No. 2028 of 2004 filed by Dr. N. Bhaskara Rao, Civil Surgeon Specialist, the Hon'ble A.P. Administrative Tribunal set aside the G.O. fourth read above in so far as it relates to treatment of suspension period of E.O.L. and directed to put the applicant on notice and pass appropriate orders by taking into consideration the defence that may be put forth by the applicant. Accordingly, in the G.O. sixth read above, the orders issued in G.O. 4<sup>th</sup> read above are cancelled in so far as it relates to treating the period suspension as E.O.L. Government have provisionally decided to treat the period of suspension as "not duty" and to limit the pay and allowances to the extent of subsistence allowance already paid to him and in the reference seventh read above, a show cause notice was issued to Dr. N. Bhaskara Rao, Civil Surgeon Specialist (Retired), for making representation, if any, against the provisional decision.

2. In his representation eighth read above, Dr. N. Bhaskara Rao, Civil Surgeon Specialist (Retd.) in the judgment, dated 30.07.2002 in C.C. No. 10/98, the III Additional District Judge cum Special Judge for ACB Cases, Visakhapatnam pronounced finding him not guilty of the offences he was charged with and

acquitting him u/s 248 (1) Cr.P.C. and in the result he was not found guilty of offences under section 7 and section 13 of the P.C. Act, 1988. No appeal was preferred by the Government against the acquittal judgment of Trial Court and dropped further action. He has therefore requested to treat the suspension as duty, as it would help him at this age, since he already retired from service in the year 2004.

3. Government, having regard to the explanation submitted by him, observed that acquittal in a criminal case does not ipso facto absolve him of delinquency and that payment of salary – as consequently increments etc. – for the period during which Dr. N. Bhaskara Rao did not contribute an iota for public service from the public exchequer would not be fair management of public resources. Government have, therefore, decided to treat the period of suspension of Dr. N. Bhaskara Rao, CSS (Retired) from 8<sup>th</sup> August, 1996 to 8<sup>th</sup> May, 2000, be treated as leave to which he is eligible, including Extra-Ordinary Leave. Accordingly, under Rule 54-B of the Fundamental Rules, Government hereby treat the period of suspension of Dr. N. Bhaskara Rao, Civil Surgeon Specialist, retired as Additional Director, O/o the Director of Health, from 08.08.1996 to 08.05.2000, as leave to which he is eligible, including Extra Ordinary Leave.

4. The Commissioner of Health & Family Welfare, A.P. shall take necessary action in the matter.

5. This order does not require the concurrence of Finance Department as per rules or orders on the subject.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.V.RAMESH  
SECRETARY TO GOVERNMENT

To

Dr. N. Bhaskara Rao, Additional Director (Retd.),  
Plot No. 15, SBI Staff Colony,  
Near Bondilipuram,  
SRIKAKULAM.

The Commissioner of Health & Family Welfare, A.P., Hyderabad.

Copy to:

The Accountant-General, A.P., Hyderabad.

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//FORWARDED::BY ORDER//

SECTION OFFICER